

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Appeal No. D-855-DB of 2014
Date of Decision : February 26, 2015

Manmohan Singh and another

....Appellants

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR SHEKHER DHAWAN

Present : Mr. Har Naresh Singh Gill, Advocate
for the appellants.

T.P.S. MANN, J.

The appellants have filed the present appeal for challenging the judgement dated 3.2.2014 passed by the Additional Sessions Judge, Sangrur whereby respondent Nos. 2 to 5 were acquitted of the charges under Sections 195, 211, 120-B IPC and Section 25 of the Arms Act.

Having heard learned counsel for the appellants and on going through the impugned judgment, this Court finds that though the appellants stood acquitted in the FIR registered against them under Sections 307/34 IPC and Sections 25/27 of the Arms Act, yet they could not have lodged the FIR No. 49 dated 25.5.2011 under Sections 195,

211, 120-B IPC and Section 25 of the Arms Act in view of the provisions of Section 195 read with Section 340 Cr.P.C. Only the Court trying the appellants and acquitting them of the charges against them could have filed the criminal complaint. Similarly, respondent Nos. 2 to 5 were not liable to be proceeded under Section 25 of the Arms Act as necessary sanction to prosecute them had not been obtained.

For the aforementioned reasons no fault can be found with the impugned judgment of acquittal passed by the trial Court whereby respondent Nos.2 to 5 stand acquitted of the offences punishable under Sections 195, 211, 120-B IPC and Section 25 of the Arms Act.

Resultantly, the appeal is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(SHEKHER DHAWAN)
JUDGE

February 26, 2015
pds.